

# **SHAPIRO & DeNARDO, LLC**

ATTORNEYS AT LAW

A PENNSYLVANIA LIMITED LIABILITY COMPANY

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Of Counsel

March 14, 2019

United States Bankruptcy Court  
Martin Luther King, Jr. Federal Building  
50 Walnut Street  
Newark, NJ 07102

In Re: David L Wecht d/b/a Daivd L. Wecht, Esq., LLC, Debtor  
Case No: 19-12596-JKS  
Chapter: 13  
Secured Creditor: Wells Fargo Bank, N.A.  
Our file number: 19-025424

Dear Court Clerk:

Enclosed please find Notice of Objection to Confirmation, said Confirmation Hearing presently scheduled before the Court on April 11, 2019 at 8:30AM.

Thank you for your attention.

Very truly yours,  
Shapiro & DeNardo, LLC

/s/ Charles G. Wohlrab  
Charles G. Wohlrab, Esquire

Enclosures

cc: Cassandra C Norgaard, Debtor's Attorney  
Marie-Ann Greenberg, Trustee  
David L Wecht d/b/a Daivd L. Wecht, Esq., LLC, Debtor  
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Closter, NJ 07624

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ATTORNEYS FOR WELLS FARGO BANK, N.A.

IN RE:

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY

DAVID L WECHT D/B/A  
DAIVD L. WECHT, ESQ., LLC,  
DEBTOR

CASE NO.: 19-12596-JKS  
CHAPTER 13

HEARING DATE: APRIL 11, 2019

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### NOTICE OF OBJECTION TO CONFIRMATION

The undersigned, Shapiro & DeNardo, LLC, attorneys for the Secured Creditor, Wells Fargo Bank, N.A., the holder of a Mortgage on Debtor's property located at 82 Susan Drive, Closter, New Jersey 07624-2315, hereby objects to the Confirmation of the Debtor's proposed Chapter 13 Plan on the following grounds:

1) Debtor's proposed Chapter 13 Plan does not provide for the curing of the full amount of the mortgage arrearage accrued at the time of the Bankruptcy filing to Secured Creditor. Debtor's Plan proposes to pay Secured Creditor \$0.00. Secured Creditor is owed an *estimated* pre-petition arrearage in the amount of \$5,315.97.

2) Debtor's proposed Chapter 13 Plan does not provide for the Secured Creditor to receive distributions with a value equal to the allowed amount of its claims required by 11 U.S.C.1325(a)(5)(B)(ii).

3) Debtor's proposed Chapter 13 Plan lists Secured Creditor as unaffected but, fails to list Secured Creditor under Part 4 of the Chapter 13 Plan for curing and maintaining payments.

4) Debtor's Chapter 13 Plan does not explicitly provide the amount to maintain ongoing contractually due monthly obligations to Secured Creditor in violation of 11 U.S.C. 1322(b)(5).

5) Debtor's Proposed Plan, as is, is underfunded. Debtor's proposed payment of \$25.00 to the Trustee does not fully cure Secured Creditor's Pre-Petitions estimated arrears of \$5,315.97. Debtors plan should be further modified to fully fund the arrears owed to Secured Creditor.

WHEREFORE, Wells Fargo Bank, N.A. respectfully requests that the Confirmation of Debtor's Chapter 13 plan be denied and that the Debtor be required to file an Amended Chapter 13 Plan providing for full payment of arrears due to the Secured Creditor.

SHAPIRO & DENARDO, LLC

By: /s/ Charles G. Wohlrab  
Charles G. Wohlrab, Esquire

Dated: 3/14/19